

Jury Told of Panther Death Order

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NEW HAVEN, July 28—The former Black Panther who fired the first shot into Alex Rackley testified today he did not know that Rackley was to be killed until the murder weapon was thrust into his hand seconds before he shot.

Warren Kimbro, a key state's witness who has admitted shooting the victim in the head, said he never had heard any orders for Rackley's death until he was given the gun at the death scene by George Sams Jr.

Sams gave him the order to fire, Kimbro said.

His testimony emerged during intensive cross-examination and tended to support Panther defendants' claim that only Sams wanted Rackley dead. The prosecution contends that national Panther leaders wanted Rackley killed

and claim that the initial order came directly from Panther National Chairman Bobby G. Seale, who is awaiting trial.

Kimbro, who pleaded guilty to second-degree murder before becoming a prosecution witness, was released from the stand at the end of the day. As he was driven in a state police car from the New Haven Court House, several black bystanders who support the Panthers jeered at him. One shouted, "Death to the lackeys of the power structure."

Kimbro has testified that he fired the first of two shots into Rackley, who police contend was murdered as a suspected informant. Lonnie McLucas, who is now on trial here for kidnapping Rackley, is alleged to have fired a second shot into his body.

Kimbro said that after the victim was driven to the edge

of a swampy area in May, 1969, Sams handed him a .45 caliber pistol and said something like, "Ice him—orders from national," presumably meaning from Panther national headquarters. Sams also told him, "This is your job," Kimbro testified.

That was the first specific order for Rackley's death that he had heard, Kimbro testified.

Defense attorneys pressed hard on the point in an effort to show that Sams was in control of the situation and that no one else had mentioned killing Rackley. The Panthers contend Sams engineered the murder as part of a police plot to implicate Seale, the national chairman.

The prosecution countered a from Kimbro testimony which implicated another Black Panther, Landon Williams, who was a member of the party's central committee.

Williams, Kimbro said, handed Sams the murder weapon just before the car containing the victim was driven away from a New Haven apartment.

It also was testified that Williams earlier had rebuked Sams for not making plans to take Rackley out of the apartment where he had been held captive. After that, Sams gave orders to obtain a car and prepare Rackley to be taken out, Kimbro added, although no one mentioned killing him.

The name of Stokely Carmichael, once a prominent black leader, came into the trial for the first time today. Kimbro said he learned while in prison that Sams once was a bodyguard for Carmichael. "He (Sams) said he was fairly close" to Carmichael, Kimbro added.